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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fourteenth periodic reports of States parties due in 1999

Addendum

Trinidad and Tobago*

[6 October 2000]

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* The present report brings together in a single document the eleventh, twelfth, thirteenth and fourteenth periodic reports of Trinidad and Tobago, which were due on 3 November 1994, 1996, 1998 and 2000 respectively. For the seventh to tenth periodic reports of Trinidad and Tobago submitted in one document and the summary records of the meetings at which the Committee considered those reports see documents CERD/C/224/Add.1 and CERD/C/SR.1072.

The information submitted by Trinidad and Tobago in accordance with the guidelines for the initial part of the report of States parties is contained in HRI/CORE/1/Add.110.

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IMPLEMENTATION OF SPECIFIC PROVISIONS OF THE CONVENTION

Article 1

1. The general policy of eliminating racial discrimination in Trinidad and Tobago stems from chapter 1 of the Constitution, which is entitled "The recognition and protection of fundamental human rights and freedoms". This Chapter declares that "there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex" the fundamental human rights and freedoms set out thereunder, including the right of the individual to equality before the law under section 4 (b) and the right to equality of treatment from any public authority under section 4 (d).

2. The Preamble to the Constitution, which is relied on as an aid to constitutional interpretation, refers to the "equal and inalienable rights with which all members of the human family are endowed". The rights enshrined under the Constitution are expressed as rights of the "individual" and are therefore guaranteed to all persons within the jurisdiction, including persons who are not citizens or residents of Trinidad and Tobago.

3. Each ministry within the Government operates under its own policy which must be consistent with the provisions of the Constitution, and which must provide for anti-discriminatory practices. The ministries must carry out their responsibilities, including the provision of goods and services to the public, without discrimination by reason of race, origin, colour, religion or sex.

4. Aside from the Constitution, the enjoyment of human rights and freedoms in the political, economic, social and cultural or any other field of public life is also promoted and protected through other, separate legislation, including the Housing Act, chapter 33:01, the Education Act, chapter 39:01, the Trade Union Act, chapter 88:02 and the National Minimum Wage Order made under the Minimum Wages Act, chapter 88:04, etc. This legislation is administered by a network of ministries such as the Ministry of Health, the Ministry of Education, the Ministry of Labour and Cooperatives, the Ministry of Culture and Gender Affairs, the Ministry of Foreign Affairs and the Ministry of National Security.

5. Trinidad and Tobago has acceded to the International Covenant on Economic, Social and Cultural Rights, as well as the International Covenant on Civil and Political Rights, and has ratified the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Convention on the Political Rights of Women. By ratifying international instruments such as these, Trinidad and Tobago has signalled to the international community its commitment to combat discrimination, and to promote equality.

6. Trinidad and Tobago was also represented at the World Conference of the United Nations Decade for Women, held in Copenhagen in 1980, where Member States were asked to implement the Programme of Action for the Second Half of the Decade. One aspect of the programme called on Governments to devise mechanisms whereby unpaid work could be recognized and reflected in the gross national product of every country. The Government of Trinidad and Tobago implemented the Counting of Unremunerated Work Act in 1996. Further, Trinidad and Tobago was represented at the "Beijing + 5" Conference entitled "Women 2000:

Gender Equality, Development and Peace in the Twenty-First Century" which was held at United Nations Headquarters in June 2000. This entailed a review of the implementation of the Beijing Platform for Action.

7. Section 14 of the Constitution expressly declares that if any person alleges that any of his or her rights are being or are likely to be contravened, that person may apply by way of originating motion to the High Court, which has original jurisdiction to hear such applications.

8. Persons who are prejudiced by an act or omission of a public authority or body, for which no constitutional relief is available, may with leave of the High Court apply for judicial review. The High Court in judicial review applications exercises a supervisory jurisdiction over bodies reviewed to ensure that decisions are taken according to public law standards, and without illegality, irrationality and procedural impropriety. On an application for judicial review, the High Court is empowered to grant the prerogative remedies of certiorari, prohibition or mandamus. The Court is also empowered to award damages on an application for judicial review, if such damages would have been recoverable in an ordinary action begun by writ or constitutional motion.

9. Constitutional motions and judicial review applications are given priority amongst the civil cases listed for hearing in the High Court. There is an extensive body of local case law in which the courts have adjudicated in these types of matters and the number of successful applications is testimony to the independence of the judiciary and its effective role as the guardian of constitutional rights.

10. There also exists within the jurisdiction an Ombudsman. The office of the Ombudsman is a creature of the Constitution (sect. 91) that came into effect in 1976. The role of the Ombudsman is to investigate citizens' complaints concerning the administrative acts or decisions of government agencies. The Ombudsman holds office for a period of five years and is appointed by the President acting in consultation with the Prime Minister and the Leader of the Opposition. The Ombudsman Act, No. 23 of 1977 provides that complaints to the Ombudsman and requests for investigation shall be made in writing, but in practice complaints made by telephone or fax are acted upon. Section 3 (4) of the Act states that where the Ombudsman is of the opinion that there is evidence of a breach of duty, misconduct or criminal offence on the part of any officer or employee of any department or authority, he may refer the matter to the authority competent to take such disciplinary or other proceedings against him. The Ombudsman has published annual reports since 1977. An average of 1,000 new complaints are made to the Ombudsman each year. In his 1997 report, the Ombudsman stated that "complaints are received from citizens throughout the two islands and from every social group, race and class". In 1997, a total of 1,276 complaints were made to the Ombudsman, and by year end the Ombudsman had completed investigations on some 48 per cent of these complaints.

11. The main office of the Ombudsman is situated in the capital city of Port of Spain. Suboffices have been established in the towns of San Fernando, Sangre Grande and Rio Claro in Trinidad, and in Scarborough, Tobago. These offices are strategically located so as to make the service of the Ombudsman accessible, available, cost free and time saving to the entire population.

12. The following tables provide a breakdown of the population by ethnic group and religion:

Population by sex and ethnic origin, 1990 census

Ethnic origin	Sex		
	Both sexes	Male	Female
Total	1 125 128*	560 934	564 194
African	445 444	223 561	221 883
White	7 254	3 483	3 771
Indian	453 069	226 967	226 102
Chinese	4 314	2 317	1 997
Mixed	207 558	100 842	106 716
Syrian/Lebanese	934	493	441
Other	1 724	886	838
Not stated	4 831	2 385	2 446

* Total for both sexes excludes 88,605 persons of whom 7,341 were in institutions and 81,264 whose ethnic origin and other characteristics were not available.

Population by sex and religion, 1990 census

Religion	Sex		
	Both sexes	Male	Female
Total	1 125 128	560 934	564 194
Anglican	122 194	63 324	59 463
Baptist	33 689	15 702	17 987
Jehovah's Witness	14 713	6 559	8 154
Hindu	267 040	136 108	130 932
Methodist	13 448	6 654	6 794
Pentecostal	84 066	38 816	45 250
Muslim	65 732	33 502	32 230
Presbyterian	38 740	19 184	19 556
Roman Catholic	330 655	165 680	164 975
Adventist	41 631	19 472	22 159
None	13 691	8 779	4 912
Other/Not stated	98 936	47 154	51 782

13. Information on life expectancy and infant mortality rate disaggregated by sex and ethnic origin, as well as information regarding the standing of various ethnic groups in the social hierarchy and their political importance, is not available. The Central Statistical Office does not conduct surveys entailing questions regarding ethnic background, religious belief or the mother tongue of individuals, aside from those relating to population composition, which is provided above. To the knowledge of the Central Statistical Office, there is no other organization or agency in Trinidad and Tobago that collects this type of information. Further, of all government ministries consulted, it is evident that no specific studies have been conducted with respect to racial discrimination or problems confronting different ethnic groups, therefore making detailed information unavailable in this regard.

Article 2

14. One recent measure being undertaken by the Government which, if passed, will give effect to the provisions of article 2, paragraph 1, of the Convention is the Equal Opportunities (No. 2) Bill, No. 39 of 1999. This bill seeks to prohibit discrimination in Trinidad and Tobago and promote equality of opportunity for persons irrespective of their sex, colour, race, origin, including geographical origin, religion, marital status, or ability. According to section 3 of this bill, disability is defined to mean the following:

> "(a) total or partial loss of a bodily function;
>
> (b) total or partial loss of a part of the body;
>
> (c) malfunction of a part of the body including a mental or psychological disease or disorder; or
>
> (d) malformation or disfigurement of part of the body."

15. Part II of the bill provides for the types of discrimination which will be prohibited under the proposed Act. According to section 4, the proposed Act applies to discrimination in relation to employment, education, the provision of goods and services, the provision of accommodation, the ground of status, and by victimization. Section 6 defines victimization to mean less favourable treatment of a particular person in a particular circumstance than the treatment afforded to another person in that same circumstance. Discrimination in relation to offensive behaviour will also be prohibited under the proposed Act. Accordingly, section 7 of the bill will prohibit offensive behaviour in public which offends, insults, humiliates or intimidates another person or group on the ground of race, origin or religion, and will prohibit the inciting of gender, racial or religious hatred. In this section, an offensive act can be words, sounds, images or writing communicated to the public, in a public place, and done in the sight and hearing of persons who are in a public place.

16. Part III of the bill deals with discrimination in employment. More specifically, this part will prohibit discrimination against applicants, against employees and in respect of vocational training, with exceptions set out in sections 11, 12, 13 and 14 of the proposed Act:

> "11 (1) Sections 8 to 9 shall not apply in respect of discrimination on the grounds of sex in a case where being of a particular sex is a genuine occupational qualification for employment, promotion or transfer or training ..."
>
> "12. Sections 7 to 9 shall not apply in respect of discrimination on the ground of religion in a case where being of a particular religion is a necessary qualification for employment in a religious shop."
>
> "13 (1) Sections 7 and 8 shall not apply to the employment of three or less persons in domestic or personal services in or in relation to the home of the employer.
>
> (2) Notwithstanding sections 7 to 9, a family business may employ only relatives."

Finally, section 14 indicates that section 7 to section 9 do not apply to the employment of a person with a disability if that person would be unable to carry out inherent requirements of the particular job, if to carry out those requirements the disabled person would require services or facilities that would impose an unjustifiable hardship on the employer, if there is a risk that the disabled person would injure others, and if there is a substantial risk that the disabled person would injure himself or herself.

17. Part IV of the bill deals with discrimination in other fields, specifically education, the provision of goods and services, and accommodation. In respect of education, the proposed Act prohibits any discrimination against applicants to and students of educational establishments. There is one exception which relates to institutions which admit students of one sex only. This will be permitted by the proposed Act. The bill also seeks to prohibit any discrimination against any person who seeks to obtain any goods and services intended to serve the general public. Finally, the proposed Act seeks to prohibit discrimination against another person in the terms on which he or she offers accommodation, or by refusing or deferring an application. Denying or limiting access to any benefit connected with the accommodation, or eviction on the basis of discrimination will also be prohibited.

18. Part V of the bill stipulates that the bill does not apply to competitive sporting events, the granting of privileges to women in connection with pregnancy and childbirth, the membership of single-sex clubs and voluntary non-profit bodies, the conferring of charitable benefits on persons of a particular status, insurance risks and the operations of religious organizations.

19. Part VI of the bill provides for the establishment of the Equal Opportunity Commission. The Commission will comprise five commissioners appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. Commissioners would be qualified and have experience in law, industrial relations, sociology or administration, and the membership would reflect a balance of race and gender. The Commission will, inter alia, work towards the elimination of discrimination; promote equality of opportunity and good relations among persons of different status generally; review the working of the proposed Act; and receive, investigate and, as far as possible, conciliate allegations of discrimination.

20. Part VII of the bill provides for the lodging of complaints alleging discrimination with the Commission, the investigation of those complaints and conciliation of the parties to those complaints. By section 38 of the proposed Act, where a complaint is settled by conciliation, the settlement will be embodied in a written agreement and registered with the Equal Opportunity Tribunal. Where the Commission is unable to settle a complaint by conciliation, the Commission would, under section 39, prepare and publish a report on the investigation for public inspection and if the complaint is still not resolved, initiate proceedings before the Tribunal with the consent and on behalf of the complainant.

21. Part VIII of the bill establishes the Equal Opportunity Tribunal comprising a Chairman and two lay assessors. The Chairman will be equal in status to a judge of the High Court. The lay assessors will be appointed by the President. The Tribunal will be a superior court of record and will have the power to hear and determine complaints referred to it by the Commission and

to make such declarations, orders and awards as it thinks fit and to summon persons to attend before it. Section 50 will provide for appeal from a decision of the Tribunal to the Court of Appeal on a point of law and, with leave, on a point of fact.

22. Finally, Part IX will provide for the submission to Parliament of annual reports prepared by the Commission; for the offence of non-disclosure of information concerning the affairs of persons acquired by the members of the Commission or the Tribunal or members of their staff in the course of duty; for the withdrawal of a member of the Commission or the Tribunal in the case of conflict of interest in a matter before him, and for the bill, when enacted, to bind the State.

23. There are no measures in place to give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations. This is perhaps consistent with the fact that racial discrimination is not a real problem in Trinidad and Tobago, and no instances of racial discrimination by persons or organizations have occurred as far as the Government is aware.

24. Specific measures have not been taken to review governmental, national and local policies to amend or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination, because the national policy on racial discrimination stems from the Constitution. This means that any law or regulation which is discriminatory, or contravenes the right to equality before the law or the right to equality of treatment from any public authority is null and void. Specifically, section 5 of the Constitution expressly declares that no law may abrogate, abridge or infringe or authorize the abrogation, abridgement or infringement of any of the fundamental human rights and freedoms recognized and declared in the Constitution except where expressly provided for, such as:

(a) During periods of public emergency; or

(b) When legislation is declared to be inconsistent with those rights and freedoms and is passed in accordance with section 13 of the Constitution with the prescribed majorities in both Houses of Parliament.

25. The practice of racial discrimination is eliminated in all activities of all ministries through adherence to the broad legal framework of the Constitution of Trinidad and Tobago. In respect of the Ministry of Social and Community Development, there is great support for the principle of equality and non-discrimination, and this is reflected either explicitly or implicitly in all of its policies and programmes, as well as in the Acts which govern the operations of the Ministry's divisions (e.g. Old Age Pension Act, Public Assistance Act, etc.). An example can be drawn from the guiding principles on which the National Population Policy is based. These include:

> "All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Everyone has the right to life, liberty and security of the person."

"Greater social and economic equity is crucial to the harmonious development of society."

"The pluralistic composition of our society offers tremendous possibilities which could be harnessed for national development."

26. The Ministry of Education has no stated policy in respect of racial discrimination, other than that provided by the legal framework of the Constitution to which this and all other ministries must adhere. Under this umbrella, racial harmony is encouraged and demonstrated throughout the education system. The Ministry of Education uses education to promote interracial understanding by enlightening and persuading students of the importance and benefits of diversity and difference, through several teaching units contained within the Social Studies curriculum. This curriculum is ongoing from primary to secondary education.

27. The Information Division of the Office of the Prime Minister is mandated to manage the Government's communications policy, which spells out the direction for:

(a) Communicating with the public and providing access to government information;

(b) Providing an imaging, positioning and analytic capacity;

(c) Providing an enhanced public education facility; and

(d) Standarized government communications.

This is realized through a process of gathering, interpreting and disseminating information. It is also responsible for the implementation of two-way channels of communication between the Government and the people of Trinidad and Tobago.

28. The Information Division of the Office of the Prime Minister is mandated to promote the Government's policies and programmes by providing information about these policies to the public without fear or favour. In keeping with the Government's commitment to the promotion of national unity and racial harmony in Trinidad and Tobago, the Division has been disseminating information in the national interest of the populace. The Division does not discriminate in its radio and television programming nor in its printed material when disseminating information.

29. The Information Division is one avenue through which the Government of Trinidad and Tobago is fulfilling its obligation to pursue policies that eliminate all forms of racial discrimination. The Division's radio and television programmes are aired on all of the electronic media. In addition, through the use of literary and photographic displays in the lobby of the Division, which highlight the religious and cultural festivals and public holidays, members of the public become aware of the diverse cultural make-up of Trinidad and Tobago. In this way, the Division is able to promote interracial integration and understanding.

30. The dissemination of information in the electronic and print media is an important tool in any communications policy. Cognizant of this fact, the Government, through the Information Division, ensures that information given to the populace is never targeted at any particular race or religious group but is in the national interest of the entire society, thus ensuring that the goals of interracial friendship, tolerance and understanding of each other's religious and cultural beliefs are promoted and respected.

31. The Information Division of the Office of the Prime Minister produces numerous radio and television programmes, features and documentaries on all religious and cultural festivals on an annual basis. These include Indian Arrival Day, Emancipation Day, Spiritual Baptist Shouter Liberation Day, Divali, Eid, Christmas, The Tobago Heritage Festival, and the Crab and Goat Race in Buccoo. Through these programmes, which highlight the ethnic diversity of the people of Trinidad and Tobago, the Division ensures that the populace is well informed and respectful of each other's religious and cultural differences, thus promoting racial equality. In 1996, the Division produced a television and radio jingle for promoting national unity. The jingle was carried on most of the Division's television and radio programmes. The Division is also in the process of preparing a book on this country's national days and religious festivals which, when completed, would be a comprehensive handbook on the different religions and the cultural mosaic in Trinidad and Tobago.

Article 3

32. Diplomatic relations between the Republic of Trinidad and Tobago and the Republic of South Africa were established in 1995. The South African High Commissioner for Trinidad and Tobago is a non-resident and is based in Caracas. Trinidad and Tobago has not yet accredited an Ambassador to South Africa. The Government has, however, appointed Mr. Hugh Russell Ian Roach as Honourary Consul. Mr. Roach is awaiting receipt of his exequatur from the Government of South Africa.

33. The following table reveals that South Africa continues to enjoy a favourable trade balance with Trinidad and Tobago:

Trinidad and Tobago/South Africa trade (TT$)			
Year	Exports	Imports	Balance
1996	96 644	19 929 903	-19 830 259
1997	15 144 714	41 698 260	-26 553 546
1998	1 481 081	32 222 416	-30 741 335
1999 (January-June)	453 077	88 021 723	-87 568 646

34. As Trinidad and Tobago undertakes a development drive, imports are likely to increase substantially in the coming years. In this context, it is predicted that there is likely to be an increased demand for commodities such as petroleum and petroleum products, methanol, asphalt, steel and fertilizers which Trinidad and Tobago produces. With respect to the possibilities of exporting non-traditional products to South Africa, Trinidad and Tobago businessmen appear to be uncertain at this point in time.

35. The Caribbean Community (CARICOM) Trade and Investment Mission to South Africa, held in January of 1998, formed part of Trinidad and Tobago's initial efforts to expand its trading relations with selected markets in southern Africa.

36. In 1994, the Government of Trinidad and Tobago informed the Government of South Africa of its desire to negotiate a double taxation agreement. Given the international rush following the demise of the apartheid system to pursue economic and other relations with South Africa, negotiations on the agreement were delayed. Consequently, and owing other factors, it is not anticipated that negotiations will commence in the immediate future. However, as there continues to be interest in pursuing economic ventures in and with South Africa, efforts are under way in Trinidad and Tobago to identify and target trade and investment opportunities in both countries, with a view to ensuring that the negotiations are held as soon as possible and that they are purposeful, effective and beneficial.

37. In 1998, Trinidad and Tobago inquired of the Government of South Africa whether it was prepared to enter into a reciprocal arrangement for the exemption of visa requirements for the two countries, for stipulated periods and under particular circumstances. The specific provisions to be contained in the proposed agreement are at present being considered by the two Governments.

38. In light of the importance of direct air and sea links to the further development of trade and tourism ties between Trinidad and Tobago and South Africa, in 1997 Trinidad and Tobago proposed that a Bilateral Air Services Agreement between the two countries be negotiated. It was also suggested that the countries explore the prospects of having commercial flights from South Africa make scheduled stops in Trinidad and Tobago. Although Trinidad and Tobago continues to be interested in this venture, it was made known in April 1999 that South African Airways does not have any plans to land in the Caribbean for the following reasons:

(a) The travel time between the United States of America and South Africa would be drastically increased if there were a stop-over in the Caribbean. The primary concern is to travel to the United States and have local carriers operate within the region. A related consideration is the "Fifth Freedom Rights", which prohibits airlines from competing with each other in certain areas;

(b) There is no logistical requirement for South African Airways to land in the Caribbean for refuelling purposes, although it was acknowledged that the location of a South African Mission in the Caribbean would enhance the prospects of the airline seeking to land in the region.

39. Pursuant to a visit to Trinidad and Tobago by representatives of the South African Oil Company (SASOL) in November 1998, SASOL and the Petroleum Company of Trinidad and Tobago (PETROTRIN) were examining the possibility of entering into a business partnership. SASOL is a world leader in the production of synthetic fuels and is internationally renowned for a series of major innovations in designing and commercializing technologies for the production of high-quality synthetic fuels, petrochemicals and chemicals. PETROTRIN was interested in SASOL's gas-to-liquid technology, but found the cost to be prohibitive. Nonetheless, PETROTRIN is still interested in pursuing the possibilities of a joint venture. In the meantime,

it has been agreed that additional information on the operations, projects and activities of PETROTRIN and SASOL would be exchanged with a view to exploring further prospects for mutually beneficial cooperation between the two countries.

40. Trinidad and Tobago ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid on 26 October 1979. While the Government recognizes the need for the implementation of appropriate legislative measures, domestic legislation has yet to be drafted.

41. Trinidad and Tobago also ratified the International Convention against Apartheid in Sports on 11 October 1990. The Ministry of Sport and Youth Affairs is responsible for the domestic administration of this Convention and has indicated that no domestic legislation has been enacted because the purpose and principles of the Convention are adequately provided for in the Government's policy on apartheid.

Article 4

42. There are no penal statutes in Trinidad and Tobago that specifically target the dissemination of ideas based upon racial superiority or hatred, and the incitement of racial hatred. The laws which are geared towards the penalization of acts of violence or the incitement of violence do not make a distinction where racial superiority or hatred is at the root.

43. There is, however, in Trinidad and Tobago the Sedition Act, chapter 11:04. Section 3 of this Act defines a "seditious intention" as inter alia, one which seeks to "excite any person to attempt, otherwise than by lawful means, to procure the alteration of any matter in the State by law established" or to "engender or promote feelings of ill-will towards, hostility to, or contempt for, any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment". Such behaviour is a criminal offence punishable by a fine of 3,000 dollars and to imprisonment for two years on summary conviction, or by a fine of 20,000 dollars and to imprisonment for five years on a conviction on indictment.

44. The Sedition Act also prohibits the importation, communication, reproduction, printing, publishing, or copying of seditious publications. The "Prohibited Publications Order" contained in subsidiary legislation made under section 5 (1) of the Act lists all publications which are prohibited from importation into Trinidad and Tobago.

45. Furthermore, section 6 of the Sedition Act empowers the courts to suspend a publication for containing seditious matter, while section 7 empowers the courts to prohibit the circulation of seditious publications.

46. Any person who, at a public meeting or during the course of a public march, distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting, whereby a breach of the peace is likely to be occasioned, is liable to a fine of TT$ 1,000 or to imprisonment for six months.

47. No legislation has been drafted or implemented in Trinidad and Tobago which declares racial organizations illegal or forbidden. According to the Ministry of National Security, this is because there has been no indication that such organizations exist in the country.

48. Public authorities and public institutions, national or local, are bound by the Constitution and therefore cannot promote or incite racial discrimination in any manner. Everyone is entitled to equal treatment by public authorities, and everyone is entitled to equal access to all goods and services provided through public institutions (provided that certain non-discriminatory criteria are met, e.g. income, age, citizenship, etc.).

Article 5

49. The rights "to equality before the law and the protection of the law" are recognized in section 4 (b) of the Constitution. Equality before the law has derived from the concept of a form of equality in the treatment of persons by organs of the State. This section has been held by the courts to apply to both legislation as well as administrative acts of officials. It guarantees and is intended to ensure that where parties are similarly placed, they are entitled to equal treatment under the law. The expression "protection of the law", has received judicial interpretation by the Judicial Committee of the Privy Council. Access to a court of justice is itself the protection of the law referred to in the Constitution, and as long as the judicial system of Trinidad and Tobago affords a procedure by which a person can seek redress, he cannot complain that he is deprived of the protection of the law.

50. In practice, the judiciary fiercely safeguards its independence and the courts give full effect and recognition to the constitutional rights of a plaintiff and defendant, both in civil and criminal proceedings. The decisions of the court also reflect its independence. Very frequently in civil suits, the actions of the Government of the day come under judicial scrutiny, and the courts in rendering their decisions scrupulously adhere to the principle of fairness and uphold the rights of citizens when there are violations of the law.

51. In respect of equal treatment before tribunals and all other organs administering justice, including civil servants, these must act in accordance with the rules of natural justice. Accordingly, this is protected by section 5 (e) and (h) of the Constitution:

> "5 (2) Without prejudice to subsection (1), but subject to this chapter and to section 54, Parliament may not ...
>
> (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice ...
>
> (h) deprive a person of the right to such procedural provisions as are necessary for the purpose of giving effect and protection to the aforesaid rights and freedoms."

Therefore, the hearing must be fair and must be appropriate to the circumstances. It must take place before the decision is made; there must be full disclosure before the decision is rendered, and there must be genuine consideration given to any submission made. The hearing must also

be unbiased; reasonable notice of the hearing must be given, and reasons for the decision after it has been rendered should be given. Deviations from these rules can be challenged under the Judicial Review process.

52. Equal treatment before tribunals and all other organs administering justice is also provided for under section 4 (b) and (d) of the Constitution:

> "4. It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely ...
>
> (b) the right of the individual to equality before the law and the protection of the law ...
>
> (d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;"

53. The right to security of the person and to protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution, is provided under section 4 (a) of the Constitution: "the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law". Section 5 (b) of the Constitution provides that "Parliament may not impose or authorize the imposition of cruel and unusual treatment or punishment."

54. The Constitution also recognizes a fundamental human right "to join political parties and to express political views". This guarantee ensures that all citizens, irrespective of their race, origin, colour, religion or sex, have the right to take part in the conduct of public affairs, directly or through freely chosen representatives. This includes voting and standing for government (provided that the specified qualifications are met). The only restriction on voting in the case of parliamentary elections is that the individual must be a citizen of Trinidad and Tobago, or a Commonwealth citizen who has been a resident of the country for a period of one year. In the case of local government elections, persons other than Commonwealth citizens are allowed to vote, provided they have resided in Trinidad and Tobago for a continuous period of five years preceding such date. Under section 15 of the Representation of the People Act, no person is qualified to be or remain registered as an elector who is mentally ill, under sentence of death or is serving a sentence of imprisonment exceeding 12 months.

55. The right to leave and the right to return to Trinidad and Tobago is provided under section 4 (1) of the Immigration Act, chapter 18:01: "a citizen of Trinidad and Tobago has the right to be admitted into Trinidad and Tobago". Section 4 (2) states that "a resident who is not a citizen of Trinidad and Tobago so long as he continues to be a resident has the right to be admitted into Trinidad and Tobago". In effect, nothing in the Immigration Act prohibits anyone from leaving Trinidad and Tobago provided that the person has proper documentation and is not fettered by the legal system (e.g. injunctions, warrants, etc.).

56. Criteria used to determine whether a person should be admitted to Trinidad and Tobago and be given resident status are related to characteristics such as one's education, skills, and

other qualifications indicative of the person's ability to establish himself or herself in the country. These criteria are specified in section 6 of the Immigration Act, chapter 18:01 and are in no way related to race, origin, religion, colour or sex:

"6. (1) Subject to this Act and the regulations, persons who come within the following classes may on application in the prescribed form, be granted permission by the Minister if he thinks fit, to become residents, that is to say -

(a) a permitted entrant who:

(i) by reason of his education, occupational qualifications, personal history, employment record, training, skills or other special qualifications has established or is likely to be able to establish himself successfully in Trinidad and Tobago in a profession, trade, self-operating business or agricultural enterprise and who has sufficient means of support to maintain himself and his immediate family in Trinidad and Tobago; and

(ii) has been continuously resident in Trinidad and Tobago for 5 years or such shorter period (not being less than 12 months) as the Minister may in the special circumstances of any particular case accept;

(b) a person who is the parent or grandparent of either a citizen or resident of Trinidad and Tobago, residing in Trinidad and Tobago, if such citizen or resident is willing and able to provide care and maintenance for that person;

(c) the spouse of a citizen or resident of Trinidad and Tobago; and

(d) a person who has ceased to be a citizen of Trinidad and Tobago by reason of his voluntary acquisition of citizenship of another country.

"(2) In determining the suitability of an applicant for the grant of resident status under this section, the Minister shall be satisfied, inter alia, that the applicant -

(a) had entered the country legally;

(b) is not in a prohibited class; and

(c) is of good character as evidenced by a police certificate of good character."

57. The right to nationality is provided for in sections 15 through 17 of the Constitution. This right is protected and guaranteed irrespective of one's race, origin, colour, religion or sex. The Constitution states the following:

"15. Any person who became a citizen by birth under section 9 (1) or a citizen by descent under section 9 (2) of the former Constitution, and who has not ceased to be a citizen under that Constitution, shall continue to be a citizen under this Constitution.

"16. Any person who became a citizen of Trinidad and Tobago by virtue of registration under the former Constitution or by virtue of an acquisition of citizenship under Part II of the Trinidad and Tobago Citizenship Act, and has not ceased to be a citizen under any law in force in Trinidad and Tobago, shall continue to be a citizen under this Constitution ...

"17. (3) A person born outside Trinidad and Tobago after the commencement of this Constitution shall become a citizen of Trinidad and Tobago at the date of his birth if at that date either of his parents is, or was, but for his parent's death, a citizen of Trinidad and Tobago otherwise than by descent, so however that, in the case of a person employed in service under the Government or under an authority of the Government that requires him to reside outside Trinidad and Tobago for the proper discharge of his functions, this subsection shall be read as if the words 'otherwise than by descent' were deleted.

"17. (4) Any person who became a citizen by birth under section 12 (1) or a citizen by descent under section 12 (2) of the former Constitution, and who has not ceased to be a citizen under that Constitution, shall continue to be a citizen under this Constitution.

"17. (5) A person born outside Trinidad and Tobago after the 30th August 1962 whose mother was a citizen of Trinidad and Tobago otherwise than by descent at the date of his birth but who did not become a citizen at that date shall be deemed to have become a citizen at that date and shall continue to be a citizen of Trinidad and Tobago under this Constitution."

Further, persons who are citizens of Trinidad and Tobago by birth, and who acquire citizenship of another country but as a result lose Trinidad and Tobago nationality, can on application be granted a certificate of restoration, thereby regaining Trinidad and Tobago nationality.

58. Marriage is permitted in Trinidad and Tobago under the Marriage Act, chapter 45:01, the Muslim Marriage and Divorce Act, chapter 45:02, the Hindu Marriage Act, chapter 45:03 and the Orisa Marriage Act, No. 22 of 1999. Each Act requires that each party freely consent to the marriage. The Muslim Marriage and Divorce Act and the Hindu Marriage Act both explicitly provide that both parties entering into marriage "shall freely consent to marry one another". The only distinction between males and females under these pieces of legislation is the age at which a person is capable of contracting marriage. Under the Marriage Act, the contracting marriage age is 18 years for both males and females. Under the Muslim Marriage and Divorce Act, the contracting marriage age for males is 16 years, and for females 12 years. In the case of the Hindu Marriage Act, the contracting marriage age for males is 18 years and for females, 16 years. Under the Orisa Marriage Act, the contracting marriage age is 18 years for males and 16 years for females.

59. There are no restrictions on the right of citizens to own property in Trinidad and Tobago. In respect of aliens' rights to own property, there was an Aliens (Landholding) Ordinance (CAP 21/3) (Rev. 1950) which specified restrictions on property ownership, but that legislation was repealed and replaced with the Foreign Investment Act, No. 16 of 1990. Under this Act, the main restriction is that an alien may not acquire land exceeding one acre for residential purposes and exceeding five acres for the purpose of trade or business without obtaining a licence to do so under the Act. All other restrictions under the Act are made irrespective of race, origin, colour and religion.

60. According to section 23 of the Marriage Act, chapter 45:01, (under which Christian marriages are performed) minors cannot marry unless consent is obtained from both parents. Under the Muslim Marriage and Divorce Act as well as under the Hindu Marriage Act, a child who is under the specified contracting marriage age can marry with the consent of the father, or the legal guardian(s) if the father is dead. Under the Orisa Marriage Act, consent to marriage by a minor may be given by the mother or father of the minor, or by a legal guardian(s) in the case where the parents are deceased.

61. In respect of the right to own property in respect of married persons, sections 4 and 5 of the Married Persons Act (which is an Act to consolidate and amend the law relating to matters connected with the capacity, property and liabilities of married women and the liabilities of husbands) makes provision regarding the rights of women in the administration of property:

> "4. Subject to this Act, all property which -
>
> (a) immediately before 1 January 1937 was the separate property of a married woman or held for her separate use in equity; or
>
> (b) belongs at the time of her marriage to a woman married on or after 1 January 1937; or
>
> (c) on or after 1 January 1937 is acquired by or devolves upon a married woman,
>
> belongs to her in all respects as if she were a feme sole and may be disposed of accordingly.
>
> "5. A husband and wife shall, for all purposes of acquisition of any interest on or after 1 January 1937, be treated as two persons."

62. The Matrimonial Proceedings and Property Act, chapter 45:51 makes further provision relating to the property of married, divorced and separated persons. Under this Act, property is defined as "real or personal property, any estate or interest in real or personal property, any money, any negotiable instrument, debt or other chose in action, or any other right or interest whether in possession or not". The provisions contained therein apply to all married persons irrespective of race, origin, colour, religion or sex.

63. On dissolution of marriage, the wife has the same rights with respect to property as the husband. Hence, in the absence of any agreement, all property or money acquired together for the purposes of the matrimonial home or similar expenses and all belongings are treated as belonging to the husband and wife in equal shares, and are dissolved that way.

64. According to section 3 (d) of the Married Persons Act, chapter 45:50, a married woman is "subject to the law relating to bankruptcy and to the enforcement of judgments and orders" as if she were an unmarried woman.

65. Part II of the Matrimonial Proceedings and Property Act, chapter 45:51 provides for the right of women to receive maintenance on divorce. Section 23 provides that:

> "On a petition for divorce, nullity of marriage or judicial separation, the Court may order either party to the marriage to make to the other such periodical payments for his or her maintenance and for such term, being a term beginning not earlier than the date of the presentation of the petition and ending with the date of the determination of the suit, as the Court thinks reasonable."

This section therefore explicitly states that both men and women can be ordered by a court to pay maintenance for their spouse.

66. The Cohabitational Relationships Act, Act No. 30 of 1998 vests the High Court with jurisdiction of the courts to make orders in respect of interests in property and maintenance for a man or woman who are or have lived together as husband and wife on a bona fide domestic basis, even though they are not married to each other. Under this Act, cohabitational spouses have similar rights to property as married spouses, although there is no general right to maintenance.

67. The rules regarding inheritance in Trinidad and Tobago are contained within the Wills and Probate Ordinance (CAP 8/2) (Rev. 1950), where a will exists, and within the Administration of Estates Ordinance (CAP 8/1) (Rev. 1950), where there is an absence of a will. The most significant aspect of this legislation in respect of restrictions on inheritance is that prior to 1972 wives could not contest wills if they were excluded from them, nor could they apply to the court for maintenance as dependents of the deceased. This has been amended by Part III of Act No. 2 of 1972 under the Matrimonial Proceedings and Property Act. Specifically, section 90 states the following:

> "(1) Where, after the commencement of the Matrimonial Proceedings and Property Act, 1971, a person dies domiciled in Trinidad and Tobago leaving -
>
> (a) wife or husband;
>
> (b) a daughter who has not been married, or who is, by reason of some mental or physical disability, incapable of maintaining herself;
>
> (c) an infant son; or

(d) a son who is, by reason of some mental or physical disability, incapable of maintaining himself,

then, if the Court on application by or on behalf of any such wife, husband, daughter or son ... is of opinion that the disposition of the deceased's estate effected by his will, or the law relating to intestacy, or the combination of his will and that law, is not such as to make reasonable provision for the maintenance of that dependant, the Court may order that such reasonable provision as the Court thinks fit shall, subject to such conditions or restrictions, if any, as the Court may impose, be made out to the deceased's net estate for the maintenance of that dependant ...

"A. (1) Where after commencement of the Matrimonial Proceedings and Property Act, 1971, a person dies domiciled in Trinidad and Tobago is survived by someone ... who, whether before or after the commencement of that Act, had in good faith entered into a void marriage with the deceased then, subject to subsections (2) and (3), the survivor shall be treated for the purposes of this Part as a dependant of the deceased within the meaning of this part."

68. The Constitution of Trinidad and Tobago recognizes and protects the right of an individual to freedom of religion, thought and expression, and the Government respects this right in practice. An independent press and a functioning democratic political system combine to ensure freedom of speech and of the press without any distinction as to race, origin, colour religion or sex. The Constitution states:

"4. It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely ...

(h) freedom of conscience and religious belief and observance;

(i) freedom of thought and expression;

(j) freedom of association and assembly; and

(k) freedom of the press."

69. Generally, the laws relating to freedom of expression in this jurisdiction mainly comprise old English common law, which has been collected from thousands of old English cases and statutes that were inherited by the doctrine of reception. Although there has been reform of the law in Great Britain, these reforms have not been enacted into the domestic legislation of Trinidad and Tobago. As a result, the law relating to this right is in need of reform.

70. In 1997, the present Government prepared and published a Green Paper entitled, "Reform of the Media Law - Towards a Free and Responsible Media". This Green Paper notes that freedom of expression is an essential human right which must be guaranteed by laws that are current, workable and comprehensive, and which contain only such exceptions as are necessary to protect other values in a free and fair society. Since the free speech principle is grounded in

the public interest, it must give way to occasions when the public interest points the other way - to secure a fair trial, to protect citizens against damaging falsehoods or unwarranted invasions of their privacy, to prevent incitement to racial violence or breaches of vital national security. But what is required whenever expression is suppressed is some overwhelming justification, advanced and adjudicated according to the law.

71. Since the publication of the Green Paper, the Law Commission was mandated to manage the public comment on its proposals and recommendations and to assess overall public response to each of the Green Paper's proposals. Based on public comments, the Attorney General concluded that there was an urgent need to reform the law relating to libel and defamation, to abolish the offence of blasphemous libel and to implement provisions which would afford protection to all religious denominations and create a statutory "right to know". A Defamation Bill has been drafted and the Freedom of Information Bill has been enacted into legislation. With respect to other recommendations made in the Green Paper, the Government is of the view that more in-depth research, greater public dialogue and further analysis are necessary before these are translated into legislative policy. To facilitate this need, the Attorney General has appointed a committee to examine the recommendations and to engage in further consultation with media organizations and other interested persons. The Committee's mandate is to submit a report outlining the policy which should inform the drafting of legislation in these areas. At present, the report of the Committee has not yet been completed.

72. There are no restrictions on the freedom of association and assembly, other than the requirement of notice which must be given (the Summary Offences Act, as amended by Act No. 17 of 1998). Legislation provides that any person desirous of holding or calling together any public meeting or march must notify the Commissioner of Police at least 48 hours in advance. The notification must include the purpose(s), approximate time, and the place or route of the meeting or march. If the Commissioner has reasonable grounds for apprehending that the holding of the public meeting or march would occasion serious public disorder he may, in the case of a meeting, impose such conditions on the organizers as appear to him necessary for the preservation of the public peace and order, or, in the case of a meeting or march, he may prohibit it in writing. In the case of prohibition, he must give reasons in writing and serve the notice personally to any signatories of the notification or leave it at their address.

73. Although there are no other statutory restrictions on the holding of an association or an assembly, a problem of venue may arise. If an assembly is held on private lands, this constitutes a trespass. Further, under the Highways Act, chapter 48:01, section 50 (1), any person who without lawful authority or excuse in any way wilfully obstructs the free passage along a highway is liable to a fine. A highway under this Act is defined as the whole or part of any road, thoroughfare, street, trail or way maintainable at the public expense and dedicated to public use.

74. There are no provisions contained in the legislation of Trinidad and Tobago that provide for the right to work, or protect the freedom of choice of employment. However, it has been the case in this country that workers traditionally have and will continue to experience the freedom of career choice provided that specified qualification requirements are satisfied, irrespective of race, origin, colour, religion or sex.

75. The following tables show occupations by ethnic group and gender for 1998:

Occupations	African			Chinese			Indian		
	F	M	T	F	M	T	F	M	T
Defence force	-	2 025	2 025	-	-	-	-	205	205
Legislators, senior officials and managers	6 387	6 025	12 412	335	1 130	1 465	7 048	9 394	16 442
Professionals	2 877	4 287	7 164	34	34	68	2 553	4 996	7 549
Technical and associate professionals	19 006	12 604	31 610	301	19	320	12 003	11 021	23 024
Clerks	27 662	7 316	34 978	167	102	269	23 195	7 798	30 993
Service workers and shop sales workers	31 107	21 600	52 707	202	311	513	22 653	12 101	34 754
Agricultural, forestry and fishery workers	999	4 129	5 128	-	34	34	1 975	9 923	11 898
Craft and related workers	10 259	48 254	58 513	34	103	137	5 070	35 258	40 328
Plant and machine operators and assemblers	4 984	18 819	23 803	33	-	33	4 784	26 536	31 320
Elementary occupations	53 259	47 409	100 668	-	35	35	30 346	55 656	86 002
Total	156 540	172 468	329 008	1 106	1 768	2 874	109 627	172 888	282 515

Occupations	Syrian/Lebanese			White/Caucasian			Other ethnic group		
	F	M	T	F	M	T	F	M	T
Defence force	-	-	-	-	-	-	33	308	341
Legislators, senior officials and managers	33	138	171	361	1 318	1 679	2 710	4 034	6 744
Professionals	66	-	66	33	513	546	1 577	1 748	3 325
Technical and associate professionals	33	68	101	402	229	631	6 971	5 801	12 772
Clerks	34	-	34	636	34	670	13 604	3 566	17 170
Service workers and shop sales workers	34	35	69	168	104	272	12 681	7 640	20 321
Agricultural, forestry and fishery workers	-	-	-	21	34	55	568	2 864	3 432
Craft and related workers	-	34	34	34	103	137	2 674	12 618	15 292
Plant and machine operators and assemblers	-	35	35	-	104	104	1 607	6 554	8 161
Elementary occupations	-	34	34	-	240	240	10 444	15 161	25 605
Total	200	344	544	1 655	2 679	4 334	52 869	60 294	113 163

76. For the statistics provided above, 67 females in the "clerks" occupation, 34 females in the "service workers and shop sales workers" category, 35 males in the "craft and related workers" category and 34 males in the "elementary occupations" category did not specify their ethnic background.

77. The following table shows unemployment rates (in per cent) by ethnicity for the period 1994-1998:

Ethnic group	1994	1995	1996	1997	1998
African	22.4	20.2	18.8	17.6	16.0
Chinese	5.0	3.0	1.4	0.0	1.5
Indian	14.9	14.5	14.0	12.7	12.1
Mixed	18.1	17.5	15.7	15.1	15.3
Syrian/Lebanese	0.0	5.3	5.0	10.9	7.5
White/Caucasian	6.1	4.7	2.6	1.0	4.6
Other ethnic group	12.5	33.4	0.0	0.0	0.0
Not stated	36.7	0.0	18.3	0.0	50.0
Total	18.5	17.1	16.2	15.0	14.2

78. The following table shows unemployment rates (in per cent) by gender for the same period:

Gender	1994	1995	1996	1997	1998
Male	16.4	15.1	13.1	12.3	11.3
Female	21.8	20.6	21.0	19.4	18.9
Total	18.5	17.1	16.2	15.0	14.2

79. There are no specific provisions in the existing law which ensure that conditions of employment do not infringe upon the fundamental political and economic freedoms of the individual. However, section 4 (a) of the Constitution guarantees "the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law".

80. There is in Trinidad and Tobago the Maternity Protection (Amendment) Act No. 4 of 1998, which was implemented to prevent discrimination against women on the grounds of pregnancy. The Act provides in section 7 that an employee is entitled to leave of absence for the purpose of maternity leave; to pay while on maternity leave; and to resume work after such leave on terms no less favourable than were enjoyed immediately prior to her leave. Section 9 of the Act states that an employee is entitled to 13 weeks of maternity leave, and may proceed on such leave 6 weeks prior to the probable date of confinement.

81. The Ministry of Labour and Cooperatives has confirmed that bias in the workplace in respect of political persuasion or economic status is prohibited in Trinidad and Tobago.

82. The Government of Trinidad and Tobago has ratified International Labour Organization (ILO) Convention No. 111 concerning Discrimination in Respect of Employment and Occupation. For the purposes of this convention, the term "discrimination" means:

> "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing the equality of opportunity or treatment in employment or occupation."

Trinidad and Tobago has also acceded to the Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

83. Unequal remuneration for work of equal value does not exist between men and women employed in the public sector, nor are their conditions of work different. The remuneration for persons holding office in the public sector is determined by classification of occupation. Therefore, all Government-employed men and women receive the same remuneration based on classification of offices held by individuals. The Government of the Republic of Trinidad and Tobago has recognized collective bargaining as a means designed to ensure equal remuneration across the board, for men and women, as well as within the classification principle. In so doing, the principle of equal remuneration is maintained for men and women workers doing work of equal value, irrespective of race, origin, colour and religion.

84. To date, the Ministry of Labour and Cooperatives has received no complaints with respect to discrimination on the basis of race, colour, sex, religion and national origin as it applies to:

The right to work;

Free choice of employment;

Just and favourable conditions of work;

Protection against unemployment;

Equal pay for equal work; and

Just and favourable remuneration.

85. In 1998, a National Minimum Wage Order was introduced. It provided for the establishment of a single economy-wide minimum wage that now covers all workers (irrespective of race, origin, colour, religion or sex) in Trinidad and Tobago. The National Minimum Wage Order set a minimum wage rate at TT$ 7.0 per hour, and minimum terms and conditions of service of all employees in Trinidad and Tobago. These terms and conditions concern, inter alia, the length of the normal working day (not to exceed eight hours), meal breaks (not to be less than three quarters of one hour) and overtime rates which are provided in the Second Schedule to the Order. Under section 5, overtime is defined as the time worked in excess of the eight hours, specified as the normal working day, as well as work on off days, Sundays and public holidays. The draft Order was subsequently reviewed and was enacted in 1999. Part II, section 6, of the National Minimum Wage Order, 1999 provides that the national minimum wage and provisions relating to overtime in the Order shall be applicable to household assistants, shop assistants and security industry employees. The other terms and conditions established in already existing relevant Orders shall continue to be enforced.

86. All unskilled workers in Trinidad and Tobago are covered by the National Minimum Wage Order, 1998, except those listed under section 8 of the Order:

(a) Trainees in training schools approved by appropriate government agencies such as:

(i) Youth Training and Employment Partnership Programme; or

(ii) The National Energy Skills Centre;

(b) Persons working under schemes developed from time to time by other government ministries, departments or agencies;

(c) Persons working under other schemes submitted to and approved by the Minister to whom responsibility for labour is assigned;

(d) Registered apprentices;

(e) Students on vacation jobs; and

(f) Persons who volunteer services to registered charitable organizations and social service agencies registered with the Ministry with the responsibility for social services or community development.

87. A recent legislative measure is the Occupational Safety and Health (No. 2) Bill, No. 26 of 1999, which was recently amended and re-laid in Parliament. When passed, this bill will provide for the revision and extension of present laws relating to the safety, health and welfare of persons at work, so as to keep pace with Trinidad and Tobago's rapid industrialization. Once enacted, this bill will repeal the Factories Ordinance, 1948 and the Employment of Women (Night Work) Act, chapter 88:12. The most significant difference between current legislation and that contained in the bill is that the bill, when enacted, will have sufficient jurisdiction to embrace all persons at work, and not just those employed in factories. Although this proposed bill does not contain an anti-discrimination provision, it is implied that discrimination on the basis of race, origin, colour, religion or sex is forbidden.

88. The establishment and operation of trade unions is regulated by the Trade Unions Act, chapter 88:02. Limitations on the functioning of trade unions and the conditions which must be fulfilled to form and join trade unions are outlined therein, and in no way are related to race, origin, religion, colour or sex.

89. According to the Industrial Relations Act, chapter 88:01, every worker has the right to be a member of any trade union or any number of trade unions of his or her choice. The words "every worker" apply implicitly to each individual irrespective of race, origin, colour, religion or sex. Conversely, every worker has the right not to be a member of any trade union or other organization of workers. Persons who are not regarded as workers under this Act include the following:

(a) A public officer;

(b) A member of the defence force or any ancillary force or service thereof, or of the police, fire or prison service or of the police service of any municipality, or a person who is employed as a rural constable or estate constable;

(c) A member of the teaching service or is employed in a teaching capacity by a university or other institution of higher learning;

(d) A member of staff and an employee of the Central Bank;

(e) A person who:

(i) Is responsible for the formulation of policy in any undertaking or business or the effective control of the whole or any department of any undertaking or business; or

(ii) Has an effective voice in the formulation of policy in any undertaking or business;

(f) Employed in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in or about a private dwelling house and is paid by the householder; and

(g) An apprentice within the meaning of the Industrial Training Act.

90. While the right to adequate housing is not provided for in the Constitution, the Government of Trinidad and Tobago recognizes shelter as a fundamental human right and is committed to providing acceptable and affordable shelter for all. In the concluding paragraph of a booklet which was prepared by the Ministry of Housing and Settlements in 1998, the Ministry stated the following:

> "The Government of Trinidad and Tobago accepts that the enjoyment of housing is a fundamental human right and consequently the Ministry of Housing and Settlements has designed its housing and settlements policies and programmes in accordance with the needs of the citizens of Trinidad and Tobago, particularly the low-income segment of the population."

91. The Ministry of Housing and Settlements is mandated to produce and sell innovative and affordable shelter solutions to low and middle income groups. Socio-economic factors are used to determine applicants' eligibility and the allocation process is facilitated through a lottery system. At no point during the process is information with respect to the applicants' race, colour, descent or ethnic origin requested. The mechanisms employed by the Ministry of Housing and Settlements to facilitate the provision of shelter are unbiased and ensure that all applicants are treated equitably.

92. The realization of the right to housing is also provided through the Housing Act, chapter 33:01. Functions of this Act include revising, consolidating and extending the laws related to the encouragement of construction of dwelling houses and home ownership. Section 3 establishes the National Housing Authority, the policy and duties of which are outlined in sections 8 and 9 of this Act as follows:

> "8. The Authority shall be responsible for the execution and carrying out of the policy of the Government in relation to housing, and in the exercise of its functions, powers and duties is subject to any directions given to it by the Minister.
>
> "9. The Authority may cause investigations to be made into housing conditions and the adequacy of existing housing accommodation in Trinidad and Tobago or in any part thereof and may cause steps to be taken for the distribution of information leading to the construction or provision of more adequate and improved housing accommodation and the understanding and adoption of community plans in Trinidad and Tobago."

93. Since its inception, the National Housing Authority has been responsible (according to Act No. 3 of 1962) for the provision of housing for low income earners. This has been accomplished by constructing and allocating rental (high rise) units in urban areas; single and attached units in suburban areas; allocating building lots and the granting of loans to renovate and/or construct houses on land owned by the beneficiary (the last was discontinued in 1986). Throughout these programmes the only criteria used for allocation were non-ownership of land, and applicants must be citizens of Trinidad and Tobago 18 years of age and older. In some instances, income criteria have been used for the purpose of assessing ability to purchase, rent, etc. Under no circumstances does the Authority require or request from actual or potential beneficiaries any information with regard to race, colour, descent or ethnic origin.

94. The total existing housing stock in Trinidad and Tobago is approximately 295,000 units. This figure has grown from 231,436 units in 1980 to 271,840 units in 1990 (which was the last year of available census data), and is expected to grow to 318,600 units by the year 2000 (which is the next census year). This figure is based on an annual average growth rate of 1.6 per cent over the period 1980 to 1990. During the period 1991 to 1995, the State sector provided for 631 new single units and 99 new apartment units at a cost of TT$ 55.6 million and TT$ 24.3 million, respectively. In the past two years, the Ministry of Housing and Settlements has delivered 4,286 serviced lots and 980 housing units.

95. The 1990 Census Report defined a dwelling unit as any building or separate and independent part of a building in which a person or group of persons (private household) are living. A "rent-free" dwelling was defined as a household where its members do not pay rent for the occupancy of the dwelling or land. Finally, a squatted dwelling was defined as a dwelling where the household is found occupying an area without permission of the owner or any legal rights to the dwelling or land. The following is statistical information on housing and settlements collected during the 1990 census:

Dwelling unit by type of tenancy		Major dwellings	
All types	271 871	Separate	209 575
Owned	201 930	Flat/apartment	45 251
Rented - private	36 040	Town house	4 559
Rented - Government	6 821	Double house/duplex	4 016
Leased	1 247	Part of commercial/ industrial building	6 202
Rent-Free	22 088	Barracks	627
Squatted	1 289	Out-room	287
Other	986	Other	759
Not stated	1 470	Not stated	595

96. The Sugar Industry Labour Welfare Committee was established in 1948 to address the housing needs of low-income sugar workers and cane farmers. This measure was in response to the "barrack system" of housing and the generally squalid conditions under which the labourers lived. The Indian and African ethnic groups which are the most predominant ethnic groups in the country are also the predominant ethnic groups employed in the sugar industry. Therefore, they constitute the bulk of the beneficiaries of the loans which are provided at subsidized interest rates for low-cost house construction. Under the current situation of this programme, other low-income employees and agricultural farmers are prevented from taking advantage of this social service. To target this situation, the Sugar Industry Labour Welfare Committee has presented proposals to the Government and is currently awaiting a response.

97. With respect to the day-to-day operations of the aforementioned loans programme, all clients are treated equally. Their loan applications are processed promptly and queries are handled expeditiously. Emphasis is given to the criteria regarding qualification for a loan and the ability to satisfactorily repay and construct a dwelling house, and not on any discriminatory criteria.

98. In the area of land distribution, the Sugar Industry Labour Welfare Committee organizes a random draw entailing the selection of a number from a box. This procedure removes any potential for discrimination.

99. Since the constitutional prohibition on discrimination on the basis of race, origin, colour, religion or sex extends to all facets of society, no further governmental action to prevent racial discrimination by those who rent or sell houses or apartments has been taken, nor is required at this time. Persons who are aggrieved with respect to governmental agencies that deal with the provision of shelter have a right to redress in the courts through judicial review.

100. Information and statistics regarding concentrations of ethnic groups in particular sectors or localities are unavailable.

101. The Policy Document of the Ministry of Health states the following: "the Ministry of Health is in the business of promoting wellness and ensuring the availability of quality health care to the people of Trinidad and Tobago in an affordable, sustainable and equitable manner."

Health services are to be extended to all people, without distinction of class, colour, gender, origin, religion or race. Similarly, within the Ministry of Health, the Regional Health Authorities (RHA), which were established by Act No. 5 of 1994, have been entrusted with the delivery of health care. The Regional Health Authority is responsible for promoting wellness and providing a cost-effective, customer-focused, quality health-care service to the people within its catchment area in accordance with the guidelines of national policy. This policy prohibits discrimination of any kind on the basis of race, origin, colour, religion, political opinion and sex. In 1975, Trinidad and Tobago was divided into five sectors or catchment areas of approximately 200,000 persons each. A team of psychiatrists, social workers, community nurses and paramedical auxiliaries is allocated to each area.

102. There are six guiding principles for the health-care system in Trinidad and Tobago: (1) universality/accessibility; (2) equity; (3) affordability/sustainability; (4) quality; (5) accountability; and (6) solidarity. The first, second and fourth are especially relevant to the information requested under this Convention:

- Universality/accessibility: no resident of Trinidad and Tobago shall be denied access to the health-care system because of race, creed, age, sex, health, status or economic circumstances;

- Equity: the principles of justice will be applied so that more resources will be provided to those whose need is greater;

- Quality: health care will be provided in an effective and efficient manner by skilled and qualified health-care givers in appropriate facilities in a caring and respectful manner.

103. The Policy Document of the Ministry of Health also states that "the rights and respect for the dignity of persons regardless of social, economic, or racial origins are fundamental to the health-care system. A patient shall have the right to confidentiality, protection from abandonment, access to information and security". The Quality Management Directorate of the Ministry of Health has recently developed, with multisectoral inputs, a Patient's Charter which seeks to promote a citizen's awareness of his/her rights and obligations as they relate to health care in Trinidad and Tobago. It is currently in the final stages of editing, following a series of recently concluded consultations. This Charter is an administrative measure which, when approved by Cabinet, will be disseminated to the general public through a variety of channels including the mass media. The rights identified in the draft Charter to which each patient shall be entitled include:

(a) Impartial access to treatment or available lodging or appropriate medical and personal care based on personal needs and without reference to gender, religion, race, social class or national origin;

(b) The right to privacy with respect to his or her person and to information;

(c) The right to personal safety;

(d) Freedom from abuse;

(e) The right to obtain from those responsible for the coordination of his or her care, current information on his or her diagnosis, treatment, risks, alternatives, and prognosis;

(f) The right not to be subjected to any procedure without his or her voluntary and informed consent, or that of his or her legally authorized representative;

(g) The right to refuse treatment; and

(h) The right to manifestation of his or her cultural and/or religious expressions while a patient.

104. The Ministry of Social and Community Development is a core ministry within the social sector with respect to the implementation of the Government's national social development goals and objectives, as outlined in the successive Medium-Term Policy Frameworks, and other national planning documents. The Ministry's mission statement is "to empower the socially vulnerable to achieve self-reliance, and thereby, to enhance their well-being, and facilitate their contribution to national development". The aim is to target the vulnerable and disadvantaged, but also to contribute to the well-being of all citizens without restriction.

105. The Social Welfare Division of the Ministry of Social and Community Development provides social security to the aged and needy in the country's society. Through the administration of non-contributory social security programmes, which are financed out of the annual consolidated fund, old age pension, public assistance, disability grants and emergency care fund grants, are provided to socially vulnerable groups. In 1996, there were approximately 88,000 recipients of old age pensions and public assistance. The three main programmes offered by the Social Welfare Division are governed by statute. These are the Old Age Pension Act, chapter 32:02 as amended, the Public Assistance Act, chapter 32:03 and the Adoption of Children Act, chapter 46:03. Assistance targets needy children, the disabled and the poor, without distinction as to race, origin, colour, religion, political opinion or sex. According to section 3 of the Public Assistance Act, chapter 32:03

> "Assistance shall be given to meet the needs of necessitous persons who are prevented by some disability from earning a living; and shall normally be given to the head of the family, whose needs shall be deemed to include those of his dependants."

106. There is a Socially Displaced Persons Bill, 1999, which has been drafted and recently laid before Parliament. This bill seeks to address problems that are associated with the significant increase in the population of socially displaced persons. This bill is aimed primarily at providing a legislative framework to deal with persons who are socially displaced. In section 3 of this bill, a "socially displaced person" is defined as:

> "Any idle person habitually found in a public place whether or not he is begging and who by reason of illness or otherwise is unable to maintain himself, has no means of subsistence or place of residence, is unable to give a satisfactory account of himself and causes or is likely to cause annoyance to persons frequenting that public place, or otherwise to create a nuisance."

Additionally, this bill focuses on relocation, assessment, treatment and rehabilitation of socially displaced persons, and to some extent moves away from the concept of penal sanctions. The ultimate aim of the proposed legislation is to provide, where possible, for the eventual reintegration of socially displaced persons, irrespective of race, origin, colour, religion or sex, into the mainstream of society.

107. Information and statistics in respect of the different social service and health-care needs experienced by different ethnic groups within the population are unavailable.

108. The right to education is not enshrined in the Constitution. It is, however, recognized and protected through the Education Act, chapter 39:01, which is an Act that establishes the system of public education and makes provision for the promotion of education in Trinidad and Tobago. This Act contains an explicit anti-discrimination provision in section 7 which states that, "No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent". In keeping with this provision, the Ministry of Education has a stated policy of non-discrimination with respect to student admission to schools, as well as a stated policy of allowing all students the equal opportunity to write admission examinations as the sole criterion to be considered for admission into secondary school.

109. The following table shows enrolment in technical and vocational schools for 1997:

Total			Year 1		Year 2		Year 3	
Both sexes	Male	Female	Male	Female	Male	Female	Male	Female
1 897	1 681	216	751	151	701	62	229	3

110. The Ministry of Education also maintains a Division of School Supervision within eight regional districts for the purpose of monitoring trends, including instances and negative consequences of racial discrimination. There is also within the Ministry of Education a document entitled "Philosophy and educational objectives" to which all educational staff and students adhere. The first of these objectives, and the most relevant to this Convention, states the following: "That every child has an inherent right to an education which will enhance the development of maximum capability regardless of gender, ethnic, economic, social or religious background."

111. There is no available information or statistics in respect of student composition disaggregated by ethnic background. Therefore, information on variations in the levels of educational and training attainment between members of different ethnic groups cannot be provided. However, statistics regarding literacy rates disaggregated by ethnic background and religion are as follows:

Literacy rates by ethnic background, 1994

Literacy status	African	East Indian	Other	Total
Functionally literate	78.3%	73.7%	86.0%	77.4%
Functionally illiterate	16.5%	14.5%	8.7%	14.6%
Illiterate	5.2%	11.8%	5.3%	8.0%
Total	100%	100%	100%	100%

Literacy rates by religion, 1994

Religion	Functionally literate	Functionally illiterate	Illiterate	Total
Anglican	7.6%	1.6%	0.0%	9.4%
Baptist	4.5%	1.1%	0.4%	6.0%
Hindu	18.5%	4.5%	3.9%	26.9%
Muslim	3.0%	0.4%	0.3%	3.8%
Pentecostal	6.7%	0.5%	0.4%	7.7%
Presbyterian	3.1%	0.6%	0.4%	4.2%
Roman Catholic	22.3%	3.6%	1.5%	27.4%
None	1.1%	0.2%	0.0%	1.5%
Other	10.6%	1.8%	0.6%	13.1%
Total	77.4%	14.6%	8.0%	100%

112. While there is no express provision in the Constitution that entrenches the right to take part in cultural life, the Constitution does, through the protection of the freedom of conscience, thought, expression, association and assembly, provide for this right. As stated under previous articles, these freedoms are guaranteed irrespective of race, origin, colour, religion or sex.

113. The Information Division of the Office of the Prime Minister is also active in promoting peaceful relations between members of different races through media programming which addresses the importance of ethnic harmony.

114. In recognition and promotion of the diverse ethnic and religious backgrounds, Parliament has enacted various legislation including the Public Holidays and Festivals Act, chapter 19:05, the Muslim Marriage and Divorce Act, chapter 45:02, and the Hindu Marriage Act, chapter 45:03. In addition, national holidays have been declared to mark the observance of various religious festivals including Eid-ul-Fitr for Muslims, Divali for Hindus, Baptist Liberation for the Baptists and several Christian holidays including Christmas and Corpus Christi.

115. In 1996, racial discrimination was identified as a problem within the country by the media, in response to complaints which were made by members of the public, who alleged that they had been discriminated against by certain nightclubs that were practising racism. This provoked much public reaction which resulted in media inquiries, protests, a meeting with the Archbishop, and activism by Groups United Against Racial Discrimination (GUARD). The

most serious of these incidents occurred on 11 and 18 October 1996 in front of Club Coconuts. Criminal misconduct and acts of terrorism, in the form of pelting with missiles, were reported to have been committed against persons protesting the alleged racist practices of the Club. In light of the growing problem of racial discrimination concerning nightclubs, the Government took action to introduce and implement three pieces of legislation: the Registration of Clubs Amendment Act (No. 14 of 1997), the Liquor Licence Act, chapter 84:10 as amended by Act No. 13 of 1997, and the Theatres and Dance Halls Act, chapter 21:03 as amended by Act No. 15 of 1997.

116. To protect the right of access to any place or service intended for use by the general public, the Government of Trinidad and Tobago enacted the Registration of Clubs Amendment Act (No. 14 of 1997) which empowers a Licensing Committee to strike off from the Register of Clubs any club to which the public has access if it is proved by any aggrieved person that the person was discriminated against on the ground of race, colour, religion or sex.

117. The Liquor Licence Act, chapter 84:10, was amended by Act No. 13 of 1997 to prohibit discrimination on licensed premises on the ground of race, colour, religion or sex. Discrimination has been defined as inequality of treatment, and segregation of a person by place or position by reason of race, colour, religion or sex is now deemed to constitute discrimination.

118. The Theatres and Dance Halls Act, chapter 21:03, was also amended by Act No. 15 of 1997 to prohibit discrimination on the ground of race, colour, religion or sex in respect of service in or access to facilities on any licensed premises. The Licensing Authority is now empowered to suspend or cancel a licence if it is satisfied that discrimination has occurred.

Article 6

119. Effective protection and remedies against acts of racial discrimination that violate human rights and fundamental freedoms contained in the Constitution are provided for through judicial review for which monetary compensation is given. Protection and remedies are also available through separate Acts of Parliament, such as the Sedition Act, chapter 11:04, which involves incarceration and the payment of fines. Finally, through legislation such as the Registration of Clubs Amendment Act (No. 14 of 1997) and the Liquor Licence Act, chapter 84:10 as amended by Act No. 13 of 1997, the remedy or protection is in the form of a licence cancellation, revocation or suspension.

120. Recently, a booklet entitled "A Citizen's Guide to the Constitution" and produced by the Ministry of the Attorney General and Legal Affairs has been compiled to inform citizens of their fundamental rights and freedoms under the Constitution and to inform them of the right to redress if their rights are violated. This booklet was circulated to 600 school libraries, 100 rural schools, 68 private schools, 78 embassies, 90 special libraries and 30 foreign missions.

121. According to the Office of the Director of Public Prosecutions, there have been no reported cases of purely racially motivated criminal offences. However, it does appear that racial

motivation may have been a contributory factor in the commission of at least one criminal offence. In the 1982 case The State v. Rudolph Regis, the accused was charged with manslaughter, and records reveal that racial remarks were made by the accused to the victim prior to the killing.

122. The same practice used by the police in the investigation of a non-racially motivated crime would also be employed in respect of racially motivated criminal offences. The same standards of prosecution are employed by the Director of Public Prosecutions.

123. An examination of the records of the Office of the Commissioner of Police did not reveal any evidence of racially motivated criminal offences.

124. Although the Solicitor General's Department of the Ministry of the Attorney General and Legal Affairs does not collect statistics on the number of matters alleging discrimination filed against the State, an examination of case files for 1999 reveals a large volume of matters which involved claims brought under section 4 (b) and section 4 (d) of the Constitution which provide for "the right of the individual to equality before the law" and for "equality of treatment from any public authority". However, while complete statistics are not available, racial motivation was accounted as a contributory factor in the exceptional cases.

125. Victims of racially motivated criminal offences are entitled to the same protection in respect of their rights and freedoms under section 4 of the Constitution of Trinidad and Tobago. With respect to the police, the records of the Office of the Director of Public Prosecutions show that no complaint has ever been lodged by a victim alleging discrimination by the police, or in connection with the investigation of a racially motivated criminal offence. Further, the Police Complaints Authority, which receives complaints on the conduct of police officers and monitors the investigation of complaints by the Complaints Division, has indicated that racial discrimination is not a general category against which complaints are examined. Such instances would be categorized as "other". This is because complaints of racial discrimination against a police officer are extremely rare. Unfortunately, statistics in this regard are not collated by the Police Complaints Authority to indicate how many such cases are investigated annually.

126. The same sentencing criteria would be used by judges and magistrates when imposing punishment on offenders guilty of racially motivated criminal offences. There is no written law in Trinidad and Tobago which increases or decreases the severity of a sentence because the crime was racially motivated.

127. Trinidad and Tobago uses traditional agencies of government for investigating instances of racial discrimination (e.g. the police, courts, etc.). Since racial discrimination has not proven to be a threat in this country, no specific mechanisms of conciliation or mediation, and no administrative organs, have been specifically established for investigating instances of racial discrimination.

Article 7

Education and teaching

128. To combat prejudices leading to racial discrimination and to promote understanding, tolerance and friendship among nations and racial and ethnic groups in respect of education and teaching, the Ministry of Education has implemented the Philosophy of Educational Objectives which, together with section 7 of the Education Act, chapter 39:01, and the legal framework of the Constitution serve to achieve this effect.

129. Steps have been taken in Trinidad and Tobago to include in school curricula and in the training of teachers and other professionals courses to help promote human rights issues which lead to better understanding, tolerance and friendship among racial or ethnic groups. Specifically, under the umbrella theme entitled "Equality and Non-Discrimination", there are several lesson plans to be taught to the students. One of these lesson plans is also to be applied to teachers as part of their training. The following are a list of objectives which these lessons aim to achieve:

> "To see that life is more pleasant, enjoyable, acceptable, comfortable without discrimination.
>
> "Student should recognise that discrimination in class/society/world should be removed.
>
> "Children will recognise, understand and avoid discriminatory practices.
>
> "Know that children with special needs have the right to special care; recognise that people with special needs have rights; identify what are some of the rights of special needs people; identify how some of these rights are not addressed; and suggest solutions to the problem."

130. The Ministry of Education in collaboration with the Trinidad and Tobago National Commission for UNESCO has promoted the teaching of human rights at all levels of education, particularly through the UNESCO Associated Schools Project known as ASPnet, which was established in 1953. The project is unique in that it not only operates at the local, national, regional and global levels, but it also includes a network of schools in all parts of the world and involves four levels of education. Further, it develops innovative educational methods and resource material to revolutionize teaching since one of its thrusts is to instil in young people a sense of belonging to a culture of peace. The approach has been a holistic one. One of the four major themes of study of the project is Intercultural Learning, which addresses issues of racial discrimination and aims to promote interracial respect, understanding and friendship. The ASPnet project was reactivated in Trinidad and Tobago in 1989.

Culture

131. The concepts of culture and gender are interrelated and operate simultaneously within the social milieu of Trinidad and Tobago, falling within the general mandate of the Ministry of Culture and Gender Affairs. Both the Culture and Gender Affairs Divisions of this Ministry

have been sensitized to and are aware of the issues regarding discrimination, whether on the basis of race, ethnicity or sex. According to the Culture Division of the Ministry, to date, there has been no specific Constitutional mandate against discrimination on the basis of race in Trinidad and Tobago. However, it is generally expected that the principle of equality is observed by every sector and existing institution. In this regard, the Culture Division of the Ministry ensures that all of its programmes provide equal opportunities for all ethnic groups to participate. Similarly, the Gender Affairs Division has initiated a number of programmes and projects which apply specifically to the needs of men and women. Through the implementation of gender sensitization projects, awareness of discrimination against women on the basis of sex is heightened.

132. The Gender Affairs Division is responsible for developing gender policy and monitoring the mainstreaming of gender perspectives into government policies and programmes through the formal process of gender sensitization. Accordingly, its mandate stems from the Division's mission statement: "To effectively promote Gender Equity and Gender Equality through the process of Gender Mainstreaming in all Government Policies, Programmes and Projects."

133. Currently, the Gender Affairs Division is drafting a National Gender Policy, which is a policy document that outlines certain measures aimed at eliminating obstacles that may hinder the full development of men, women and children in Trinidad and Tobago. The Division has identified these obstacles as being barriers to equality which are socially constructed by norms and traditions and which support and encourage attitudes that perpetuate inequality on the basis not only of sex, but also race, age, ethnicity, disability and religion.

134. The programmes and projects of the Gender Affairs Division of the Ministry of Culture and Gender Affairs include the following:

The Women's Leadership and Enhancement Institute;

Training and sensitization in gender and development (targeting governmental, non-governmental and community-based organizations, in addition to the wider society);

Inter-American Development Bank project (funded by the regional programme of non-traditional training for women);

The development of gender-sensitive statistics and indicators, with a current focus on "counting of unremunerated work";

The development of a national gender policy;

Hosting conferences, consultations and seminars to address critical gender-specific issues;

The provision of financial and technical support to community-based organizations;

The establishment of the Domestic Violence Unit which provides a comprehensive and integrated response to victims of such situations. These include:

- 24-hour, toll-free hotline (800-SAVE);
- Community-based drop-in/information centre;
- Building linkages with the Community Policing Unit, shelters and service providers;
- Male awareness/support programme;
- Collection and analysis of domestic violence data and the establishment of a task force/committee to develop a national policy on data collection on domestic violence;
- Extensive public awareness programme involving the production of procedure manuals, information booklets, posters and brochures, which are disseminated at various activities; and
- Support groups for male and female victims of domestic violence.

135. Government policy initiatives aimed at promoting equality between the sexes which have been developed or adhered to include the following:

National Commission on the Status of Women (1974);

Nairobi Forward-looking Strategies for the Advancement of Women (1985);

Convention on the Elimination of All Forms of Discrimination against Women (1990);

Domestic Violence Act (1991, 1999);

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994);

Beijing Platform for Action (1995);

Counting of Unremunerated Work Act (1996);

Maintenance Orders (Facilities for Enforcement) Act (1997);

Maternity Protection (Amendment) Act (1997);

Establishment of the Domestic Violence Unit, including a National Domestic Violence hotline (1997);

Co-habitational Relationships Act (1998);

Equal Opportunity Bill (1998).

136. The Culture Division of the Ministry of Culture and Gender Affairs operates under the National Cultural Policy of Trinidad and Tobago, which was established in 1998. The four main principles outlined in this Policy include:

(a) The principle of cultural pluralism is geared towards reducing the sense of insecurity which persons may feel at the prospect of collective identities which may be different from their own;

(b) The principle of cultural freedom and respect for cultural diversity recognizes that cultural freedom for ethnic groups, men, women, and cultural and geographical communities allows individuals and communities to define themselves cumulatively, resulting in a celebration and expression of self, past, present and future;

(c) The principle of unity in diversity underlies the image of Trinidad and Tobago as a melting pot of nationalities. Though various groups are distinct in themselves, they are still essentially Trinidadian and Tobagonian. In this twin-island republic, while it has been noted that ethnic groups share many cultural practices and festivals with fellow citizens (e.g. Carnival, Christmas, village fairs, national foods, etc.), the cultural policy cautions against reducing this human diversity to a single pattern of life. Uniformity of thought and lifestyle imposed on developing nations from world super-Powers is also viewed as a feature to guard against;

(d) The principle of culture and ethnicity reveals the value of ethnic identification as a normal and healthy response to social pressures. In this regard, Government is committed to recognizing and supporting patterns of life featured by entire ethnic communities through:

(i) The creation of mechanisms and the development of strategies that encourage the participation of diverse ethnic groups in showcasing cultural expressions; and

(ii) The use of healthy dialogue to promote mutual exchange of ethnic values and the provision of support and the facilitation of major cultural expressions of ethnic communities (e.g. Caribs, Cocoa Panyols, Portuguese, Chinese, French Creoles, Africans and East Indians) to strengthen the indigenous values of all groups of people.

137. The above principles form the basis for the operations of the Culture Division of the Ministry of Culture and Gender Affairs, which have been established into four main policy areas:

(a) Cultural and artistic promotion and development. Under this policy the "Changing Attitudes and Behaviour Through Cultural Artforms" project has been implemented. One element of this project is the Cultural Immersion Programme which was established to target youth who are considered to be at risk in Trinidad and Tobago's schools. Through the use of artforms such as dance, drama and music, this programme presents day-to-day situations

involving violence and social problems and provides positive solutions to these situations. Another role of the Ministry of Culture and Gender Affairs under this policy is to facilitate cultural interest groups which are responsible for executing projects on behalf of the Ministry regarding specific cultural events and/or festivals. Examples of such groups include the Emancipation Support Committee, various Hindu organizations and Muslim communities interacting with the Culture Division to represent a variety of interests;

(b) Cultural heritage. Under this policy, the Culture Division is involved in preserving and protecting the cultural heritage and legacy of various ethnic groups. Currently, cultural artefacts identifying the African, Indian and Amerindian communities are preserved. The Nelson Island Project has been developed with a similar purpose. Nelson Island lies off the coast of Trinidad and was used as a depot in the slavery era for the transport of African slaves and East Indian indentured labourers. The Culture Division is working towards developing Nelson Island into a living museum, where the historical events of the island would be dramatized on a frequent basis;

(c) Cultural relations. Under this policy, the Cultural Division's aim is to strengthen cultural relations with interest groups and key stakeholders, locally and abroad. The main international bodies which influence the work of the Division include the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Intellectual Property Organization (WIPO) and the Caribbean Forum of African, Caribbean and Pacific States. In the Caribbean region, relations have been fostered with Guyana, Suriname and Guadeloupe;

(d) The visual arts and festivals. This policy has yet to be actualized into a specific programme which is to begin by the end of the year 2000.

138. The Ministry of Culture and Gender Affairs is also involved in the preservation of the heritage and culture of Trinidad and Tobago and the perpetuation of cultural traditions. Through the Ministry, the Government provides financial and technical assistance for most cultural groups in the jurisdiction, as well as for national holidays such as Eid, Divali, Emancipation Day and Baptist Liberation Day, to assist in celebrations.

139. The Information Division of the Office of the Prime Minister collaborates with the National Broadcasting Network in the production of local television and radio programmes, and provides support to other related agencies involved in the reduction of cultural penetration in the local media by foreign broadcasters by increasing the quality and quantity of indigenous programming. The Information Division also commemorates Human Rights Day, Labour Day, International Women's Day, and days to commemorate the rights of the child, the elderly and poverty eradication through the implementation of public awareness programmes. Further, the Government has developed and supported programmes to educate women, children, ageing persons, indigenous peoples, minorities, prisoners, disabled persons, persons in extreme poverty and persons with HIV/AIDS about their human rights.

Information

140. The Division's involvement in the prevention and eradication of racial discrimination involves a holistic approach. Realizing that knowledge is power, the Division produces programmes geared towards the enrichment of the life of all religious and cultural groups. These are then aired in all of the electronic media. In addition, through its interaction with the relevant and respective ministries, it ensures that information relating to the national good is transmitted to all citizens of Trinidad and Tobago.

141. The role of the Information Division and other relevant ministries in the dissemination of information is to tackle the issue of racial prejudice and discrimination and ensure that information is disseminated in keeping with the principles and purposes of the Convention.

142. Racial discrimination has its origins in ignorance. It exists where people are ill-informed and unaware of the necessity and benefits of diversity and difference. The role of the mass media is central in combating factually unfounded stereotypes and racial insinuations, and in informing the public of human rights and the purposes and principles of the Convention. This is because potentially, every member of a society is exposed to the mass media in some form. While the mass media have not disseminated the purposes and principles of the Convention, the mass media have been using its capacities to educate and work towards the elimination of any racial discrimination which may exist in Trinidad and Tobago and promote interracial understanding, tolerance and friendship.